

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Squad #11	CCRB Case #: 201410276	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/01/2014 6:00 PM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 4/1/2016	EO SOL 4/1/2016	
Date/Time CV Reported Tue, 10/07/2014 12:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/07/2014 12:53 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mike Civil	02114	935092	NARCBBS
2. DT3 Essence Jackson	02268	938703	NARCBBS
3. DT3 Francis Collado	3112	946679	NARCBBS
4. DT3 Christophe Ottomanelli	04621	930892	NARCBBS
5. DT3 Carlos Gonzalez	01382	930243	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 John Rivera	00452	932207	NARCBBS
2. SGT Clifford Strong	04309	939538	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Carlos Gonzalez	Abuse: At § 87(2)(b) in Brooklyn, Det. Carlos Gonzalez stopped § 87(2)(b) and § 87(2)(b)	[REDACTED]
B.DT3 Essence Jackson	Abuse: At § 87(2)(b) in Brooklyn, Det. Essence Jackson stopped § 87(2)(b) and § 87(2)(b)	[REDACTED]
C.DT3 Carlos Gonzalez	Abuse: At § 87(2)(b) in Brooklyn, Det. Carlos Gonzalez searched § 87(2)(b) and § 87(2)(b)	[REDACTED]
D.DT3 Essence Jackson	Abuse: At § 87(2)(b) in Brooklyn, Det. Essence Jackson searched § 87(2)(b) and § 87(2)(b)	[REDACTED]
E.DT3 Francis Collado	Abuse: At § 87(2)(b) in Brooklyn, Det. Francis Collado frisked § 87(2)(b)	[REDACTED]
F.DT3 Christophe Ottomanelli	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Ottomanelli frisked § 87(2)(b)	[REDACTED]
G.DT3 Christophe Ottomanelli	Abuse: At § 87(2)(b) in Brooklyn, Det. Christopher Ottomanelli searched § 87(2)(b)	[REDACTED]
H.DT3 Essence Jackson	Abuse: At § 87(2)(b) in Brooklyn, Det. Essence Jackson frisked § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I.DT3 Essence Jackson	Abuse: At § 87(2)(b) in Brooklyn, Det. Essence Jackson searched § 87(2)(b)	
J.DT3 Mike Civil	Discourtesy: At § 87(2)(b) in Brooklyn, Det. Mike Civil spoke discourteously to § 87(2)(b)	
K.DT3 Mike Civil	Force: At § 87(2)(b) in Brooklyn, Det. Mike Civil used physical force against § 87(2)(b)	
L.DT3 Christophe Ottomanelli	Abuse: At § 87(2)(b) in Brooklyn and at the 60th Precinct station house, Det. Christopher Ottomanelli did not obtain medical treatment for § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 1, 2014, at approximately 6:00 pm, § 87(2)(b) drove his friends § 87(2)(b) and § 87(2)(b) to § 87(2)(b), an appliance store located in the vicinity of § 87(2)(b) in Brooklyn. Once they reached the store, their mutual friends § 87(2)(b) and § 87(2)(b) exited the store and approached the parked vehicle. At this point, § 87(2)(b) and § 87(2)(b) were observed engaging in a narcotics transaction in the backseat of the vehicle by an undercover officer (see NYPD Documents 02). Seconds later, Det. Essence Jackson and Det. Carlos Gonzalez of Brooklyn South Narcotics approached § 87(2)(b) and § 87(2)(b) placed them into handcuffs and then searched them (**Allegations A, B, C, and D**). Other members of the Brooklyn South narcotics team arrived.

§ 87(2)(b) Det. Francis Collado frisked § 87(2)(b) (**Allegation E**), while Det. Christopher Ottomanelli frisked and searched § 87(2)(b) (**Allegation F and G**) and Det. Jackson frisked and searched § 87(2)(b) (**Allegation H and I**).

§ 87(2)(b) Det. Mike Civil transported § 87(2)(b) to the prisoner van, during which time he allegedly told § 87(2)(b) “Keep talking and shit (**Allegation J**),” and then allegedly pushed § 87(2)(b)'s face against the side of the van § 87(2)(b) and Det. Civil allegedly grabbed § 87(2)(b)'s shoulder, lifted him up, and pulled him backwards onto the ground (**Allegation K**).

§ 87(2)(b) asked Det. Ottamenelli for medical treatment when he was placed in the prisoner van and when he was in the holding cell (**Allegation L**). § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) pled guilty to disorderly conduct and was § 87(2)(b) (see Board Review 01). § 87(2)(b)'s arrest was sealed and the disposition of his case is unknown. § 87(2)(b) videotaped a portion of the incident on his cell phone and an unidentified bystander videotaped the latter portion of the incident as well—the origins of the video and how § 87(2)(b) was able to obtain it to post to § 87(2)(b) remain unclear (see Videos and Board Review 02 and 03).

Mediation, Notice of Claim, and Criminal Histories

This complaint was not suitable for mediation. On June 15, 2015, a Notice of Claim inquiry was returned by the Comptroller's Office with negative results (see Board Review 04). Since 2011, § 87(2)(b) has pled guilty to five counts of disorderly conduct and one count of unlicensed operation of a motor vehicle. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (see Board Review 06).
- This is the second CCRB complaint involving § 87(2)(b). In CCRB case number 201301841, § 87(2)(b) withdrew her portion of the complaint (see Board Review 07).
- Det. Jackson has been a member of service of nine years and there are no substantiated allegations against him.
- Det. Gonzalez has been a member of service for 12 years and there are no substantiated allegations against him.
- Det. Collado has been a member of service for six years and there are no substantiated allegations against her.

- Det. Civil has been a member of service for 10 years and there are three substantiated allegations against him. In CCRB case number 200609036, an allegation of physical force was substantiated against him, the Board recommended charges and Det. Civil was found not guilty at trial. In CCRB case number 200715114, a vehicle stop allegation was substantiated against him, the Board recommended charges, and the Department declined to prosecute it. In CCRB case number 201113437, a discourtesy was substantiated, the Board recommended charges and the Department penalized him with Command Discipline schedule B. It should be noted that he has been a subject officer in 21 closed cases.
- Det. Ottomanelli has been a member of service for 12 years and there are no substantiated allegations against him.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b)

Because Det. Jackson was the first black male on the scene, Allegations B, D, H, and I are pleaded against him.

§ 87(2)(b) alleged that the black male officer who walked him over to the van, struck him against the van, spoke discourteously to him, and then slammed him to the ground. Because Det. Civil identified himself in the video recording as the officer walking § 87(2)(b) to the rear of the prisoner van, Allegations J and K have been pled against Det. Civil.

§ 87(2)(b) Although § 87(2)(b) alleged that he asked for medical treatment from more than one officer as he was being placed in the prisoner van, because he asked Det. Ottomanelli at the van and at the stationhouse, and Det. Ottomanelli had primary custody of § 87(2)(b) throughout the incident (placing him in the van, lodging him in the cells, and taking him to Brooklyn Central Booking), Allegation L is being pleaded against Det. Ottomanelli.

§ 87(2)(b)

Allegations not pleaded

A vehicle stop has not been pled because the undercover buy report stated that UC #§ 87(2)(b) observed a hand-to-hand transaction between § 87(2)(b) and § 87(2)(b) while they were seated in the back of the car (see NYPD Document 02). They were, at that time, considered under arrest and the vehicle stop became an arrest dispute.

§ 87(2)(b) alleged that § 87(2)(b) was searched, but because § 87(2)(b) did not make this allegation, the search has not been pleaded.

§ 87(2)(b) stated that at some time after the incident, § 87(2)(b) told him that he had been strip-searched. Because § 87(2)(b) was uncooperative with the investigation, and § 87(2)(b) was not aware of it happening during the incident, the allegation is not being pleaded.

Allegation A) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Carlos Gonzalez stopped § 87(2)(b) and § 87(2)(b)

Allegation B) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Essence Jackson stopped § 87(2)(b) and § 87(2)(b)

Allegation C) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Carlos Gonzalez searched § 87(2)(b) and § 87(2)(b)

Allegation D) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Essence Jackson searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) were stopped and handcuffed by Det. Gonzalez and Det. Jackson as soon as they appeared on scene. § 87(2)(b) also alleged that § 87(2)(b) and § 87(2)(b) were searched. § 87(2)(b) and § 87(2)(b) were

Allegation F) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Christopher Ottomanelli frisked § 87(2)(b)

Allegation H) Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. Essence Jackson frisked § 87(2)(b)

The DD5 had a report written by UC #§ 87(2)(b) who observed a hand-to-hand transaction between § 87(2)(b) and § 87(2)(b) while they were seated in the back of the car (see NYPD Document 02). The vouchers for § 87(2)(b)'s and § 87(2)(b)'s arrests noted that marijuana in a ziplock baggie and a pipe with cocaine residue were recovered by Det. Jackson (see NYPD Documents 06). § 87(2)(b)'s Criminal Court Complaint noted that Det. Jackson recovered marijuana that § 87(2)(b) had dropped on the floor of the vehicle and when Det. Jackson was shown a copy of the Criminal Court Complaint he recalled that § 87(2)(b) was moving his hands towards his feet when he first approached (see NYPD Documents 05). The investigation is crediting that the narcotics transaction was observed and narcotics were recovered. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Maryland v. Pringle, 540 U.S. 366 (2003) held that it was reasonable for an officer to infer that all of the occupants of a vehicle had control over drugs that were recovered from that vehicle on the basis of the vehicle's small size and drugs' accessibility to all of the occupants and thus, there was probable cause to arrest all of the vehicle's occupants (see Board Review 09).

§ 87(2)(b), § 87(2)(g)

Allegation J) Discourtesy: At § 87(2)(b) in Brooklyn, Det. Mike Civil spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that while Det. Civil was bringing him to the rear of the prisoner van, Det. Civil said, “Keep talking and shit.” Det. Civil and all of the other officers denied that any officer made this remark and none of the other civilians alleged that it was made. The video recording did not capture this remark. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation K) Force: Force: At § 87(2)(b) in Brooklyn, Det. Mike Civil used physical force against § 87(2)(b)

§ 87(2)(b) alleged that while Det. Civil was bringing him to the rear of the prisoner van, Det. Civil pushed his face into the driver’s side rear of the van. § 87(2)(b) further alleged that once he was at the rear of the prisoner van, he stepped up to enter the van and Det. Civil pulled him backwards by his arm and his shoulder, slamming him to the ground. § 87(2)(b) stated that he immediately felt pain in his back, head, and suffered cuts; § 87(2)(b) s hospital records show that he had some abrasions to his elbows (see Board Review 10).

§ 87(2)(b) stated that Det. Civil pushed § 87(2)(b) s face into the hood of the van while he was walking § 87(2)(b) to the van’s rear. § 87(2)(b) At some point she saw § 87(2)(b) on the ground in a fetal position. § 87(2)(b) stated in his phone statement that § 87(2)(b) was pulled out of the vehicle and his head was pushed against the civilian vehicle, at which point he was thrown to the ground where he was handcuffed. § 87(2)(b) was also handcuffed and they were both brought into the unmarked van. § 87(2)(b) did not see if an officer struck § 87(2)(b) (see Board Review 11).

The video footage captures § 87(2)(b) s walk to the rear of the van (albeit, shakily at times) and that § 87(2)(b) was struggling with Det. Civil as he walked to the rear of the van, but does not capture either of these alleged impacts with the van. The video showed that § 87(2)(b) ended up on the ground at the rear of the van, though it did not show how he got there. The camera person said, “Ohhh, fucking slammed him,” just before the angle panned to the side and revealed § 87(2)(b) on the ground. A fainter, unidentified voice said, “He just punched him in the face,” and the camera person said, “Yeah, he hit him.” The video showed that Det. Civil was with § 87(2)(b) when he went to the ground and that Det. Jackson hurried to the rear of the van right around the time § 87(2)(b) likely hit the ground. Because the investigation was not able to find out the origins of this video or who the voices were captured commenting on it, those witnesses remain unidentified.

All of the officers interviewed, including Det. Civil, denied that an officer pushed § 87(2)(b) s face into the van while he was being walked to its rear. Det. Jackson and Det. Civil both stated that § 87(2)(b) stepped up onto the back of the van and then pushed backwards, as if in an attempt to headbutt Det. Civil. Det. Civil moved out of the way and § 87(2)(b) fell to the ground.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation L) Abuse of Authority: § 87(2)(b) **At** § 87(2)(b) **in Brooklyn and at the 60th Precinct station house, Det. Christopher Ottomanelli did not obtain medical treatment for** § 87(2)(b)

§ 87(2)(b) alleged that after he was placed into the van, he asked § 87(2)(b) the officers placing him and § 87(2)(b) in the van, including Det. Ottomanelli, to go to the hospital. § 87(2)(b) While he was in the holding cell, § 87(2)(b) again allegedly asked Det. Ottomanelli to bring him to the hospital and Det. Ottomanelli said, “Alright, we’ll take you to the hospital. Just got to go through the system first.” § 87(2)(b) alleged that it was not until he was brought to Brooklyn Central Booking and was seen by an EMT, § 87(2)(b) that he was then brought to the hospital by EMS. § 87(2)(b) did not allege (nor was she in a position to hear) § 87(2)(b) s request for medical attention. During § 87(2)(b) s phone statement, he did not allege that § 87(2)(b) requested medical attention at these times.

Det. Ottomanelli, Det. Jackson, and Det. Civil all denied that § 87(2)(b) requested medical treatment at the times he said that he did. Det. Ottomanelli stated that the first time § 87(2)(b) requested medical attention was when he was at Brooklyn Central Booking and he and Det. Collado immediately transported § 87(2)(b) to § 87(2)(b) Hospital. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Pod: 11

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date